

**FILED**

APR 30 2015

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WESTERN DISTRICT OF TEXAS  
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DEPUTY CLERK**United States District Court  
Western District of Texas  
Waco Division**

Affinity Labs of Texas, LLC,	)	
	)	
Plaintiff,	)	
	)	Case No. 6:15-cv-00030-WSS-JCM
vs.	)	
	)	
DIRECTV, LLC;	)	<b>Jury Trial Demanded</b>
DIRECTV Digital LLC	)	
	)	
Defendants.	)	

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Affinity Labs of Texas, LLC,	)	
	)	
Plaintiff,	)	Case No. 6:15-cv-00031-WSS-JCM
	)	
vs.	)	Consolidated with
	)	6:15-cv-00030-WSS-JCM
	)	
NBA Media Ventures, LLC;	)	<b>Jury Trial Demanded</b>
Turner Digital Basketball Services, Inc.	)	
	)	
Defendants.	)	

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Affinity Labs of Texas, LLC,	)	
	)	
Plaintiff,	)	Case No. 6:15-cv-00032-WSS-JCM
	)	
vs.	)	Consolidated with
	)	6:15-cv-00030-WSS-JCM
	)	
NHL Enterprises, L.P.;	)	<b>Jury Trial Demanded</b>
NHL Enterprises, Inc.;	)	
NHL Interactive CyberEnterprises, LLC	)	
	)	
Defendants.	)	

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Affinity Labs of Texas, LLC,	)	
	)	
Plaintiff,	)	Case No. 6:15-cv-00033-WSS-JCM
	)	
vs.	)	Consolidated with
	)	6:15-cv-00030-WSS-JCM
	)	
MLB Advanced Media, L.P.;	)	<b>Jury Trial Demanded</b>
MLB Advanced Media, Inc.	)	
	)	
Defendants.	)	

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### Scheduling Order

The Court issues this Scheduling Order to promote the fair and efficient resolution of this case.

Case Event	Deadline
Oral argument on Defendants' §101 motion	May 12, 2015 at 9:00 a.m.
Parties exchange Initial Disclosures	May 15, 2015
<p>Infringement Contentions.</p> <p>The party claiming patent infringement must serve on all parties a "Disclosure of Asserted Claims and Infringement Contentions," which complies with Patent Rule 3-1 of the Patent Rules for the Eastern District of Texas. Additionally, the party claiming patent infringement must supplement its document production accompanying disclosure in the manner set forth in Patent Rule 3-2 of the Eastern District of Texas.</p>	June 15, 2015
<p>Invalidity Contentions.</p> <p>Each party opposing a claim of patent infringement shall serve on all parties its "Invalidity Contentions" which must contain the information set forth in Patent Rule 3-3 of the Patent Rules for the Eastern District of Texas. Additionally, the party opposing a claim of patent infringement must supplement its document production accompanying disclosure in the manner set forth in Patent Rule 3-4 of the Eastern District of Texas.</p>	July 13, 2015
<p>The parties will meet and confer regarding ADR. If the parties are unable to agree to a date by which ADR will be conducted, then they will seek the Court's assistance in resolving the dispute</p>	July 20, 2015
<p>The parties will exchange a list of claim terms which that party contends should be</p>	July 27, 2015

construed by the Court	
The parties will exchange proposed constructions for each term, phrase, or clause at issue, identifying any extrinsic evidence relied upon, and for any element which any party contends is governed by 35 U.S.C. § 112(f), identifying the corresponding structures, acts, or materials	August 14, 2015
New parties will be joined by this date. The party causing such joinder will provide copies of this scheduling order, along with any attachments, to the new parties	September 7, 2015
Opening claim construction briefs (limited to 20 pages each) setting forth each party's positions on the disputed terms  To the extent the parties intend to submit expert testimony by declaration in support of their proposed constructions or indefiniteness positions, they shall submit such declaration concurrently with their opening claim construction brief	September 14, 2015
The parties file responsive claim construction briefs (limited to 10 pages each) setting forth their rebuttal positions  Parties may submit rebuttal declarations in response to any expert declaration submitted with opening claim construction briefs	September 28, 2015
Completion of depositions for any expert witness relating to claim construction or indefiniteness	October 9, 2015
A joint claim construction chart and prehearing statement will be filed to the Court containing: a) a list of agreed-upon constructions; b) each disputed term and each party's construction of that disputed term; c) a blank column for the Court's construction; d) the anticipated length of time needed for claim construction hearing; and e) whether any party plans to call	October 12, 2015

witnesses and, if so, the identification of each such witness	
The parties present respective technology tutorials, if necessary, to the Court, followed by a <i>Markman</i> hearing	November 3, 2015 [subject to the Court's availability. Alternatively, October 27, 2015, as initially proposed]
The parties will certify to the Court that they have substantially completed their document production. "Substantial completion" means that the party has conducted a reasonable search by conferring with relevant custodians with respect to individual and shared sources of information, identified responsive documents and information based on the non-objectionable portions of requests for production, and produced that information and documents to the opposing party or made them available for inspection. The party must seasonably supplement its document production in accordance with Federal Rule of Civil Procedure 26(e) if it learns of the existence of any additional, non-objectionable responsive document after the substantial completion deadline	November 16, 2015
Motions for leave to file amended and/or supplemental pleadings will be filed by this date	November 24, 2015
Deadline to exchange privilege logs	December 22, 2015
Completion of fact discovery	January 26, 2016
Parties asserting claims or defenses (i.e., bear the burden of proof) for relief shall serve opening expert reports and corresponding disclosures	February 9, 2016
Parties resisting claims or defenses (i.e., do not bear burden of proof) for relief shall serve rebuttal expert reports and corresponding disclosures	March 1, 2016
Completion of expert discovery	March 31, 2016

Dispositive motions, as defined in Local Rule CV-7(c), must be filed by this date	April 13, 2016
<i>Daubert</i> motions to exclude testimony must be filed by this date	April 27, 2016
Hearing on any dispositive or <i>Daubert</i> motion	May 20, 2016
The items required by Local Rule CV-16(e) must be filed by this date  NOTE: The list of proposed witnesses shall include a brief, but specific, statement of the testimony to be offered by the witness	May 30, 2016
Pursuant to Local Rule CV-16(f), the parties should submit objections to specified deposition testimony, and objections to the admissibility of any exhibits. The objection should be detailed and specific. Objections not disclosed by this date, other than objections under Rules 402 and 403 of the Federal Rules of Evidence, shall be deemed waived unless excused by the Court for good cause shown	June 13, 2016
Final pre-trial conference	June 23, 2016
Jury selection and first 4-5 day trial (DirecTV)	June 27, 2016
Jury selection and second 4-5 day trial (NBA)	Rolling basis after DirecTV trial
Jury selection and third 4-5 day trial (NHL)	Rolling basis after DirecTV trial
Jury selection and fourth 4-5 day trial (MLB)	Rolling basis after DirecTV trial

SIGNED on the 30<sup>th</sup> day of April, 2015.

  
UNITED STATES MAGISTRATE JUDGE  
JEFFREY C. MANSKE